

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC LYNN COTTON,

Defendant.

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No. 94-CR-30114-WDS

ORDER

Before the Court is defendant's motion for retroactive application of the Advisory Sentencing Guidelines (Doc. 195).

Pursuant to Administrative Order 102 the Court appointed the Office of the Federal Public Defender to represent the defendant on his motion for retroactive application and sentence reduction. The case was assigned to Assistant Federal Public Defender Renee Schooley who concluded that the defendant did not qualify for a reduction. The case was reassigned, after Ms. Schooley's retirement, to Assistant Federal Public Defender Daniel Cronin. Mr. Cronin has reviewed the file and has come to the same conclusion, i.e. that the defendant is not entitled to the relief he seeks because he was originally sentenced as a career offender, and therefore the retroactive amendments to the Guidelines do not apply to his sentence. Mr. Cronin has now filed a motion for leave to withdraw (Doc. 205).

Upon review of the record, the Court **FINDS** that the defendant is not entitled to the relief he seeks as the various amendments to the Advisory Sentencing Guidelines do not result in any change in guideline computations. See, *United States v. Griffin*, 652 F.3d 793 (7th Cir. 2011) (Where the court held that career-offender status defendants are not eligible for application of the retroactive amendments. *Id.* at 803).

Therefore, the Court **FINDS** that the retroactive Guidelines amendments simply do not apply to sentences for career offenders. Accordingly, the Court **GRANTS** the motion for leave to withdraw (Doc. 205). The Court **DENIES** the defendant's motion for retroactive application of the Advisory Sentencing Guidelines as the relief he seeks is not available under any of the amendments to the Sentencing Guideline range.

IT IS SO ORDERED.

DATE: 7 March, 2012

s/ WILLIAM D. STIEHL
DISTRICT JUDGE